

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JAVIER L. OLIVA, #1409172

§

VS.

§

CIVIL ACTION NO. 6:12cv349

J. RUPERT, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Javier L. Oliva, an inmate confined at the Coffield Unit of the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the complaint should be dismissed for failure to obey an order and want of prosecution because Plaintiff had not complied with instructions and an order to submit a certified current six month history of his trust fund account, which is also known as an *in forma pauperis* data sheet. Plaintiff filed objections. He asserted that he did not know why the law library had not honored his request for an *in forma pauperis* data sheet. In response, the Court issued an order noting that *in forma pauperis* data sheets are routinely received from inmates confined at the Coffield Unit. He was given one last opportunity to submit the requisite form. He was given a new deadline of August 17, 2012 to comply with the order. He was placed on notice that the Report and Recommendation would be forwarded for final consideration if he failed to timely comply with the order. As of today, Plaintiff has not complied with the order nor otherwise been in contact with the Court.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by Plaintiff are without merit. Plaintiff has been given ample opportunities to submit an *in forma pauperis* data sheet, and he has failed to do so. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the complaint is **DISMISSED** without prejudice for failure to obey an order and want of prosecution. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. All motions not previously ruled on are hereby **DENIED**.

**So ORDERED and SIGNED this 22nd day of August, 2012.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**